926

Previous references.

1908-09
(Municipal)

File No 58-09

Serial Nos 9, 11, 12, 17
2.

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for January 1909

SUBJECT

Petition of Purushavarama Rao, complaining against the action of the Mysore Inam Committee in granting Enadhauer Rao a portion of the land enjoyed by Govt

of Mr M. Narain Rao, chamarajpet-letter dt 7-9-08
complaining that a portion of the land Survey No 3
of Gutahalli village was acquired by Government
from Enadhauer Thamanna Rao in spite of his
representations & States that he right to the land
not covered for the public purpose & not yet utilised
Prays that the Inam be restored to him & cancelled &
[4] from the Asst Commr & H.Q. dt. Submits further
representation in the matter & makes the same
request
[12] To the Secy Inam Commission C.O. No 31 29823
dt 14-10-08 with records
[13] from the Asst Commr & H.Q. dt. 5-11-08. Submits
memorandum explaining the full facts
in the case
Secy to Commissioner of Inams & Settlement

G.R.S 11] 1907

GENERAL AND REVENUE SECRETARIAT

(Mel.)

NOTES.

File No 50-8

FILE HEADING

Formation of a New Extension between Chamarajpet & Ramaswamypalya Extension of the Bangalore City.

From

The Revenue Dy: Commr Narasimha Rao, Chamarajpet.

No. — Dated 7. 9. 1907 Received 7. 9. 1907

Diary No 1760	Enclos —	Spare Copies —	Serial No. 9

BRIEF ABSTRACT OF LETTER.

Complainer that a portion of his survey No. 31 of Gollahalli village which was never wanted for public purposes as well as a portion of his building site has, in spite of his representations, been given away by the Extension Committee to Chamaraja Rao and that the said gentleman has commenced enclosing and building upon the land and prays that as his right to that portion of the land not required for public purposes should and cannot be extinguished, the said grant may be cancelled &c

NOTES AND ORDERS

Secty's note recorded on the petition is as follows: —

"Submit

Notes—First sheet

GPB—10,000 —3-4-07

G. R. S. 12]
General and Revenue Secretariat.

File No. 58 of 1908

Serial No.

Submitted to 1st Councillor before whom a draft vesting this site in the New Extension Committee for a sale deed and "for submission after recess"

(Sd) K. & C.
7.9.08

Draft submitted for approval
Chas Sng 1st Cn) 9 9-08 (Sd)

3137
10-9-1908

Please put up the file containing, among other matters, Sanction and Declaration under the L.A. Regulation in this matter. Please note here below whether this land No. 31 is included in the tracts placed for disposal by the Committee of which the 2nd Councillor is President, & if so whether under the terms of the Appointment of the Committee port can entertain an offer from the Committee's action.

(Sd) [illegible]
10.9

Returned with reference to the whole
Enclosure of Survey No. 31 belonging as also a building site measuring about 480 sq. yds belonging to Shanmugam Thanumayan have been declared to be required for a public purpose. These lands have very probably been

Note—Contin sheet.

G R S. 12]
General and Revenue Secretariat.

Mk File No. 58 of 190 8

Serial No.

been duly acquired as required by Govt Of Mo. they are included in the sketch plan to be laid before the Committee.

Attention is also respectfully invited to para 4 of G O No 1303-8 Jud dt 7-07-13 dt 15th April 1908 under which the decisions of the Committee on matters connected with the allotment and surrender of sites are final

Secy) 11 9-08

8168 11-9-08 12

Taken from the dy's table of Nov 11

Letter No. 4 dated the 11th September 1908 from Dr. M. Narain Rao, Chairman Cuddapah Municipality, in continuation, furthering representation in the matter of the grant of a portion of his land bought by Government Contractor to Dr. D. Shama Rao by the Executive Committee and praying that the grant may be cancelled and orders issued to Dr. Shama Rao to enclose the enclosing operations on such land.

Remembered from the above, it is clear that Survey No. 31 belonged to Dr. M. Narain Rao and that it has been

Note—Contn. sheet.

Serial No

acquired by Govt.

Mr. Narain Rao's main contention is that it is illegal to apply the Land acquisition Regulation in respect of land not required for a public purpose and that therefore the grant of a portion of his land to Mr. D. Shama Rao is illegal He refers to his petition of June 1907 to Govt praying that whatever land may remain out of his survey No 31 after meeting the requirements of the Sanskrit University and the public road should be confirmed in his possession and complains that that petition has altogether been ignored.

It is respectfully submitted that Mr. Narain Rao is not the only gentleman whose land having been acquired has subsequently made over to another person in the discretion of the Committee A notable instance of this kind in this very Extension is the acquisition of land to the west of the Mutt Road which lies within the Compound of Narayana Mudaliar's bungalow and its allotment as College sites. (vide cl. 11 in Jud. 107-07). It is there

NOTE.—Contin sheet

Serial No

that when once any land vests in Govt they are at liberty to dispose of in the manner they think best.

Mr Narain Rao's petition of June 1907 was not ignored by the Legislative Committee to whom it had been forwarded for disposal. They considered it along with the application of Mr. V. Rama Rao and decided to grant to Mr Rama Rao two acres of land adjoining his bungalo for Rs 1200/ the amount to include cost of certain materials valued at Rs 800/- (very probably the moveable property referred to by Mr. Narain Rao)

As already submitted, the decisions of the Committee on matters connected with the allotment and disposal of waste are final

Submitted for orders

Under sec 6(3) of the Land Acquisition Regn, the declaration by Govt that the land was required for a public purpose is conclusive evidence of that fact -

The decision of the Committee

Note:- Contin ued.

Serial No

on matters connected with the allotment and disposal of sites as final -

Secy) 12-9-08 Jewell

Submitted

HB 14/Sept

8190 14-9-08

[The papers should I think be put before Dewan as the initial steps for acquisition have been taken under Dewan's orders.]

The draft may be approved.

Wademan — W Stephenson

14.9 Jewell 14.9

1087 Gen 2547/08 (Off appd)

Jno Lodge 14/Sept

Jewell 23.9

12 Docket No 3129 dated the 23rd Sept 1908 from the Secy. New Extension Committee forwarding the two petitions from Mr. M. Narasimha Rao for refund with records and a copy of the Committee's Resolution, and observes that Mr. D. Shama Rao may be advised of the fact of his absence to Ooty with a view to his running

Note- Contin sheet.

Serial No.

that further work on the land by him would be at his risk

17 Letter No. 1167 dated the 14th Dec. 1908 from the Secy, Ezhavan Committee Submits a memorandum explaining the full facts of the case and states that in the opinion of the Committee Mr. Narayani Das's Complaint is frivolous, that his land and site were required for a public purpose, and that they were disposed of in the manner the Committee thought best Submitted for orders

Mahzoor 16 Dec 1908 17-12-08 [illegible]
16/12/08

9172/18-12-08 The points of the case is to be found in paras 6 & 7 of the memorandum The panel Mr. D. Shamachar is correct & regular, & may be confirmed and parties informed accordingly this 27 Dec

Submit draft [illegible]

[illegible]

Please put up draft
28-12-08 [illegible]

NOTE.—Contn. sheet.

G. R. S. 12]
General and Revenue Secretariat.

Land Rl File No. 58 of 1908

Serial No.	
	Draft submitted.
	Draft submitted for approval
	Dewan) 30.12.08
	Dy Sec'y Issue
	6/1/09
20	To the Secy, New Extension Committee Mr M. Narain Rao & Mr D. Shamma Rao No 6255-78 6/1/1909. Rejects for reasons given the appeal preferred by Mr Narain Rao & permits Mr Rama Rao to go on with his work on the land made over to him by the Extension Committee.

Note—Contin. sheet.

Petition Regd no
1760

Name:- Mrs M. Narasamma
Rao Chamarajpet
Bangalore City

Date- 7. 9. 1960

Complainant is
owner of his survey
no 31 of Gollahalli which
was not wanted for public
purposes as well as a
portion of his site and
some stones apart from
that, in spite of his
representations, have been
given away by the Ex. Commissioner
Rama Rao, and praye
that the grant may
be cancelled

To

0740

The Secretary to the Government of Mysore
General and Revenue Departments
Bangalore City

The Petition of M Narain Rao
Garden Cottage Chamarajpet
5th Road Bangalore City

Respectfully Sheweth

That a portion of his Survey No 31 of Guttahalli Village which was not wanted for public purposes as well as a portion of his building Site has in spite of his representation been given away by the City Extension Building Committee to D Shama Rao, and that he has commenced to enclose and build upon the same

2 That the grant to D Shama Rao of petitioner's property is illegal and unwarranted.

3 That the petitioner's right to the portion of land not reserved for public purposes subsists and cannot be extinguished.

4 That Some Stones and gates on petitioner's Site have also been given away by

by the President to the Land D. Thamma Rao

5 That the petitioner is at a loss to understand why his property in Land and movables has been given away to another person

6 That the proceedings connected with the grant are high-handed in the extreme

The petitioner therefore prays that the matter may be enquired into and the grant cancelled and that pending enquiry orders may at once be passed for prohibiting the Land D Thamma Rao from proceeding with the work His interference with petitioner's property has caused the petitioner a deal of annoyance

Begs to remain
Respected Sir
your most obedient servant
M Narain Rao

Dated 7th September 1908
Bangalore

Bv IV
Reges

Mills 12/9

Ml 58-08

8/11 D 1857

The Garden Cottage
Chamrajpett
Bangalore City, 11 Septr 08

To

The Secretary to the Govt of Mysore
General and Revenue Depts
Bangalore

Sir,

In continuation of my petition of the 7th instant re the grant to Mr. D. Shama Rao of a portion of my land No 31 of Gutlahalli village, I beg to enbunk herewith a memorandum of the facts of my case in order to facilitate the disposal of my petition -

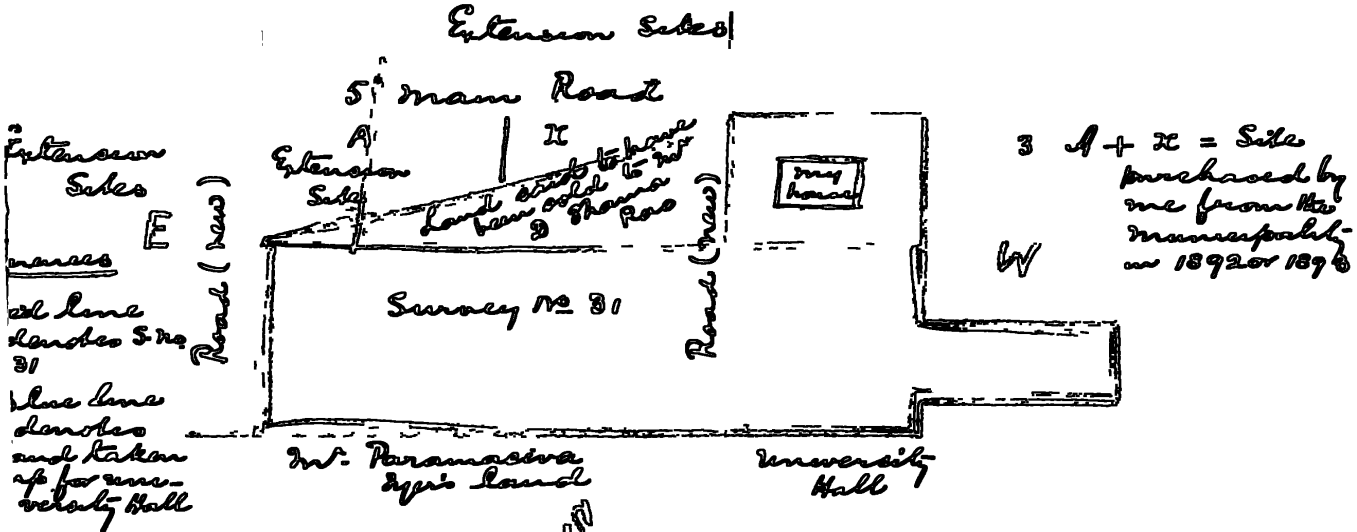
I beg to remain
Sir
Your most obedient Servant,
M. Narain Rao

Memorandum

From a time anterior to the formation of the Chamarajpett Extension, I have been the owner and occupant of Survey no 31 of Gutta halli village consisting of 7 acres and 2 guntas excluding one acre of Kharab

2. When the Chamarajpett extension was laid out about the year 1893, my Survey no 31 was excluded in it. It thus forms part of Chamarajpett Extension

3 The position of my Survey no 31 with reference to the Extension is shown below:—



4 I had a house on Survey no 31 and with the object of improving the shape of my Compound I purchased from the Municipality the site marked A + X

5 In the year 1907, when it was decided to construct a Sanskrit University Hall and Sankara temple, to the South of my land, it was proposed to take up 3 acres and 5 guntas out of

of my Survey No. 31 and the proposed acquisition was notified in the Gazette dated 9th May 1907 I will assume that this proposed acquisition was for bona fide public purposes although in the case of Mr. Paramacwa Iyri's land to the South of my Survey No. 31 which was also taken up for the Compound of the University Hall, it has, I understand, been decided that the purpose of the acquisition was not a public one [It may be noted here that Mr. Paramacwa Iyri's land was finally acquired by private purchase]

6 The idea of acquiring the whole of my Survey No. 31 seems to have suggested itself to the Municipality after the publication of the Notification for the acquisition of 3 odd acres The reason for this supplemental acquisition is not clear, but it was said to be for public purposes That it served no public purpose will be evident from what follows— * Vide notifn 3 17 Mas Gaz.

7 Not satisfied with notifying the whole of my Survey No. 31 for acquisition the Municipality notified on 28th May 07 that a portion of my building site also marked X was also required for public purposes— [note- the notification was published the day after I had met the Municipal Vice President on the spot and told him that he had no business to enter upon my building site without due notice to me]

8 That these subsequent declarations

of acquisition were not intended for a public purpose is evident from the fact that the land and site concerned have been given to Mr. D Shama Rao for the construction of his Stables and for the improvement of his Compound

9 To add insult to injury, my moveable property consisting of stones and gate posts and gate which I had placed on the site marked X have also been, I am told, sold to Mr. Shama Rao by the municipality or the Extension Building Committee (I do not know which) I am at a loss to understand why and under what law my moveable property was taken possession of by the Municipality and sold to Mr. Shama Rao This interference with my private property and the disposal of it to Mr. Shama Rao are clear evidence of the high handed and arbitrary proceedings of the Municipal Vice President

10 I may note here that the site on which Mr. Shama Rao's house stands belongs to me and that I have allowed him to build on it without consideration

11 In the matter of the acquisition of any portion of my Survey No. 31 for the University Hall, I, as a devoted disciple of the Sanjeevi matt by which the University is to be established have not the least objection, but I must strongly demur to my property being taken away from me and given over to another person

12 I protest against the acquisition by the Municipality of that portion of my land

which is not required for the University Hall and the public roads for the following reasons -

(1) It is illegal to apply the land acquisition Act in respect of land which is not required for a public purpose

(2) Survey No 31 having been already included in the Chamarajpet Extension, it was quite unnecessary to include it again in the Extension and improvement of that extension

(3) There was no necessity at all for the acquisition of my building Site marked K and of the portion of Survey No 31 now given to Mr. Shamarao, for there was no public purpose to be served thereby

(4) The grant by the municipality or the Building Committee of a portion of my land and building site to Mr. D Shamarao is an illegal infringement of my rights of private property

(5) The sale by the municipality of my moveable property to Mr. Shamarao is illegal, and unwarranted. ~~and absolutely inadmissible~~

(6) The land that has been given to Mr. Shamarao not being required for public purposes, my right to the same cannot be extinguished and its disposal cannot legally vest in the Building Committee

(7) If Mr. Shamarao wishes to get any portion of my land, he has to purchase it from me

13 In my petition of 6th June 1907 to the Secretary to Government, I have distinctly requested that whatever land may be left out of my

Survey No 31, after satisfying the requirements of the University Hall and the public roads, should be conformed in my possession and I have therein declared my intention to build upon it or keep it open as I may be directed to do

That petition was put in long before the grant of the land to Mr D Shamarao, but it seems to have been ignored by the Building Committee

14 In fine, I am at a loss to understand why I should be deprived of my land for the sake of improving Mr Shamarao's premises

15 Under these circumstances, I beg that the illegal grant of my land to Mr Shamarao may be cancelled and that I may be confirmed in its possession

16 As Mr Shamarao is now building on the said land, I beg that orders may at once be issued suspending the building operations

Mr Narayan Rao

11th September 08

5 G R.S 29A] 10

1908-09

From

Secy to the Govt of His Highness
the Maharaja of Mysore,
Genl. and Rev Dept.

To The Secy
Imp Education Committee

Dated

Despatched Bangalore 23 9 08

Received

General No 3129
No. mls 8-08-12

Enclosure No

Has the honour to forward herewith — the following Petition Regd No 1764 dated 4th 7th September 1908 from Mr M. Narain Rao, V Main Road of Chamarajendrapet, Complaining that a portion of his Survey No 31 of Gubbalala which was not wanted for public purposes as well as a portion of his

+ Regd No 155 Dated 11th idem

NGC TB— 20,(CO—)6-.-08

~~The~~ building site and some clothes &c thereon has, in spite of his representations, been given away to Mr. D. Shama Rao by the Committee, and to request that the same may be placed before the Committee and a report submitted thereon together with a copy of their Resolution and the records of the case

By order

Mr. D. Shama Rao may be apprised of the fact of this appeal & Govt. with views to his knowing that further work on the land by him would be at this risk.

14 Sept

21/9/1925

Inspected 23/9

D 4070

No 147 —
Encls 5 Encls done
sketch

Office of the New Extension Committee,
Bangalore City, the 14th December 1908

From

The Secretary,

New Extension Committee,

Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments, Bangalore.

Sir,

Reference Your docket No 3129/M1 58-08-12 dated the 23rd September 1908 in re the complaint of Mr M Narain Rao about the allotment of a portion of his Survey No and site to Mr D Shama Rao

ml 58-08
Sl-17

Referring to the above, I have the honour to state that I am desired by the New Extension Committee to forward herewith a Memorandum, explaining the full facts of the case The Committee are of opinion that Mr Narain Rao's complaint is frivolous, that his land and site were acquired for a public purpose and that they were disposed of in the manner they thought best

2 As directed in para 2 of the docket under reply, Mr Shama Rao who was apprised of the appeal has stopped further work on the land

I have the honour to be
Sir,
Your most obedient servant,

SECRETARY,
NEW EXTENSION COMMITTEE, BANGALORE

MEMORANDUM.

Docket No. 3129/Ml.58-08-12 dated the 23rd September 1908 from the Secretary to the Govt. of Mysore, Gen & Rev Depts, forwarding, for report, petition from Mr. M. Narain Rao, protesting against the acquisition of his lands in the City of Bangalore.

-(o)-(o)-(o)-

The formation of a New Extension by filling up the gap between Chamaraj-pet and Basavangudi to meet the growing needs of the City was a long pending question. In the year 1905, Mr. C. Sreenivasa Iyengar, First Councillor, inspected the locality with Mr. A. S. Nagavkar, President of the Municipality and plans and estimates were prepared, but nothing further was done in the matter till 1907 when the question was taken up and finally settled. Some of the lands inspected by Mr. Sreenivasa Iyengar were ordered to be acquired under the provisions of the Land Acquisition Regulation (Vide Govt. Pros. No. 10349-50/Ml.8-06-56 dated 4-5-07).

2. The lands thus ordered to be acquired included Survey No. 31 measuring 8 Ac. and 2 Guntas, assessed @ Rs 4/- and standing in the khate of Mr. Thammaiya, father of Mr. Narain Rao. In a portion of the Survey No., there is a small cottage belonging to the owner. The latter seems to have purchased from the Municipality in 1892

Para 8 of Mr. Narain Rao's Memo.

That these subsequent declarations of acquisition were not intended for a public purpose is evident from the fact that the land & site concerned have been given to Mr. D. Shama Rao for the construction of his stables and for the improvement of his compound.

subsequently corrected in a Gazette notification as stated above. Of this extent, only 5 ac. 2G 11G4 Sq-yd. were actually acquired, the remainder being left to the owner Mr. Narain Rao. The building site was acquired as the main road had to pass over a portion of it.

Thus it will be seen that Mr. Narain Rao's contention that the subsequent acquisition of 4 ac. & 37 G. of S.No. 31 and also of the building site was not for a public purpose is incorrect.

Para 9 of Mr. Narain Rao's Memo.

To add insult to injury, my moveable property consisting of stones and gate-posts and gate which I had placed on the site marked X have also been, I am told, sold to Mr. Shama Rao by the Municipality or the Extension Building Committee(I do not know which). I am at a loss to understand why & under what Law my moveable property was taken possession of by the Municipality & sold to Mr. Shama Rao. This interference on my private property & the disposal of it to Mr. Shama Rao are clear evidence of the high-handed & arbitrary proceedings of the Municipal & Vice-President.

(b) When for reasons given in para 3 of this Note, the Municipality had to acquire the building site, on which there was a wooden gate and some stones, the Officer entrusted with the acquisition had to estimate the value thereof for payment to the owner under the provisions of the L. A. Regulation, and had to give Mr. Narain Rao the option of removing them. But as Mr. Narain Rao failed to do so, notwithstanding due notice given to him, a final notice dated 12-9-08, was sent by the Vice President to the effect that if he failed to remove the stones &c., within three days, the award made therefor viz., ₹80/-, should be presumed to have been accepted. Such being the facts, Mr. Narain Rao's allegation that the proceedings of the Vice President in selling the stones &c., to Mr. Shama Rao were high-handed and arbitrary is wholly untenable.

wholly irrelevent under the Act. It does not contain any provision for any objection on the part of the owner to the acquisition itself. All his objections are limited to the amount of compensation and matters connected therewith such as measurement and area. And the Act vests the Local Govt. with absolute discretion in the matter of acquisition irrespective of any consideration of the willingness or unwillingness of the owner to part with his property"

Para 12 of Mr. Narain Rao's Memo.

(2) S. No. 31 having been already included in the Chamarajpet Extension, it was quite unnecessary to include it again in the expansion & improvement of that Extension.

(e) Even if this formed part of the Chamarajpet Extension, there was nothing to prevent its inclusion in the Improvement Scheme sanctioned by Govt, for without taking steps under the L.A.Act, the land referred to could not have been entered upon for extension purposes

Para 12 of Mr. Narain Rao's Memo.

(3). There was no necessity at all for the acquisitio of my building site marked X and the portion of S.No.31 now given to Mr. Shama Rao for there was no public purpose to be served thereby.

(f) In para 7 of his Memo. Mr. Narain Rao himself admits that he objected to the Vice President's entering upon his building site and S.No.31 upon which the new main road and conservancy lane pass. How does he reconcile this admission with the allegation that there was no necessity for their acquisition?

Para 12 of Mr. Narain Rao's Memo.

(5) The sale by the Municipality of my moveable property to Mr. Shama Rao is illegal & unwarranted.

(g) The gate post & stones having been disposed of after giving due notice to Mr. Narain Rao for their removal, their disposal by the Vice-

-President.

two nallahs & the Main Sewage pipe-line runs through it. As it adjoined Mr. Shama Rao's bungalow, it was granted to him on sanitary grounds as is generally done in such cases.

The betterment of Mr. Shama Rao's house, situated as it is in the heart of the Chamarajpet Extension, in the shape of improving its drainage & sanitation was an object which the Committee felt lay within their purview.

7. Mr. Bhore's opinion recorded on 27-3-1908 long before the formation of the Committee is noted below -

"The site mentioned by Mr. D. Shama "Rao is quite unsuitable as a separate "building site. The undersigned is of "opinion that the best way to dis-"pose of this site would be to sell it "to Mr Shama Rao at an up-set price".

8. It is clear from the foregoing that Mr. Narain Rao's complaint is frivolous. His land and site were acquired for a public purpose & they were disposed of by the Committee in the manner they thought best after carefully considering both sides of the question, regard being of course had to sanitation.

9. A sketch shewing the relative positions of the survey number and the site in regard to Mr. Narain Rao's land & the bungalow of Mr. Shama Rao is enclosed for reference together with the two petitions of Mr. Narain Rao to

Government

Government and a letter from Mr. Shama Rao to the Secretary to the Extension Committee dated the 21st October 1908.

Bangalore 14-1908

Secretary to the Rice Extension Committee

G.R.S. 25]

File No. 58-08
Serial No.

Diary No. of letter replied to 6270

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(G.L.)

, the 30th Dec 1908

Date of issue 6/1/09

Signed by

READ—Petition Regd 1st Nov 1908 dated the 7th Inst from Mr Narain Rao, 4th Main Road, Chamarajpet, Bangalore City, Complaining that a portion of his building situated in Survey No. 21 of Gollahalli was pulled down by the Extension Committee on the Dharmambudhi Tank bund in which he has been

Mr D. Shama Rao

SUBJECT

in the matter.

2) Letter No. 47 dated the 4th December 1908 from the Secretary, New Extension Committee Bangalore City, submitting a memorandum explaining in brief, the facts of the case, and stating that in the opinion of the Committee the Narasimha Rao's Complaint is frivolous & that the land and title referred to were acquired for a public purpose and delivered of by the Committee in the manner they thought best, due regard being had to Sanction.

Order thereon 6255-7 / ml 5404 20. 9.6.09

Survey No 37 of Cubbanhalli. and the building site referred to in the Narasimha Rao's petition were duly notified in the Mysore Gazette as being required for a public purpose and

M.S.R.O.8 (3)

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation Sheet draft form.*)

and were approved of by the Executive Committee appointed by Govt for the purpose in the manner they thought best, due regard being had to convenience. The grant to Mrs. L. Shamarao of a portion of Mint Survey No. a building site lying to the west of the new road is correct and regular and is accordingly confirmed

As regards the above Government order said to have been made over to Mrs. L. Shamarao, it is seen from the memo submitted by the Asst. to the Executive Committee that Mr. Shamarao who given the option of removing them at the time of the acquisition of the site has stated as he failed to do so notwithstanding due notice given to him, a further notice dated the 12th September 1908 was given to him that if he failed to remove them within three days, the Government would be pleased to have them removed

by [illegible] Each having the power of the Court Court can ground to interfere on this point, also.

3) Mr. D. Thammi Raju may well be permitted to go on with his work on the lines made over to him by the Executive Committee.

Sd/- 4/11/09

Sd/- 30/12/09

2) Resolved, New Executive Committee be appointed with reference to the petition of Mr. D. Thammi Raju

Mr. M. Narasimha Raju

" D. Thammi Raju

Sd/- 4/11/09